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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,773	06/15/2001	Hamid Najafi	38988.00013	9293

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EXAMINER	
PATEL, HARESH N	
ART UNIT	**PAPER NUMBER**
2154	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/882,773	NAJAFI, HAMID	
	Examiner	Art Unit	
	Haresh Patel	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-24 are presented for examination.

Response to Arguments

2. Applicant's arguments filed 7/5/2005 have been fully considered but they are not persuasive. Therefore, rejection of claims 1-24 is maintained.

Applicant argues (1), "cited references, i.e., Guilford et al. US 2002/0087674 A1, Jul 4, 2002 (Guilford) and/or Jensen et. al. 6,185,612 (Hereafter Jensen) do/does not disclose or suggest or teach amended limitations, the data segment attribute weights indicate importance of network attributes in selecting a wireless network. The examiner respectfully disagrees in response to applicant's arguments. The limitations, "the data segment attribute weights indicate importance of network attributes in selecting a wireless network", has been newly added, which is addressed by the new ground(s) of rejection (please refer to the below rejections of this office action). Therefore, the rejection is maintained.

Applicant argues, (2) "Guilford does not teach making a weighted analysis of available networks". The examiner respectfully disagrees in response to applicant's arguments. The limitations, "making a weighted analysis of available networks", are rejected by combined teachings of Guilford and Jensen. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Guilford discloses, "determining availability (e.g., network selection, paragraph 20, col., 2, paragraph 48, col., 4) of wireless networks (e.g., 2G, 3G etc networks, col., 2, paragraph 20), supported by an asset (e.g., software and/or hardware, paragraph 49, col., 4) monitoring device (e.g., device used for monitoring, col., 8, paragraph 86, col., 14, lines 50 – 57); assign a weight (e.g., assignment of the network 2G, 3G etc, based on speed, cost and efficiency of the transmission, col., 2, paragraph 20, abstract) of the available wireless networks (e.g., assignment of the network 2G, 3G etc, based on speed, cost and efficiency of the transmission, col., 2, paragraph 20, abstract) as a function of network attributes and data segment attribute weights (e.g., assignment of the network 2G, 3G etc, based on speed, cost and efficiency of the transmission, col., 2, paragraph 20, abstract); and selecting one of the available wireless networks (e.g., paragraph 48, col., 4) to transmit a data segment (e.g., paragraph 63, col., 6, abstract)". Jensen discloses concept of performing weight score analysis (e.g., col., 7, lines 7 – 22, col., 2, lines 39 – 63). The well-known concept of using weight analysis utilizing weights and attributes information would help select which network to use based on network performance parameters, for example, speed, cost, efficiency of the network. Also, page 14, lines 15 –19 of the specification clearly states, "The embodiments described herein are not intended to be exhaustive or limiting. The present invention is limited only by the following claims". Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of these actions. Therefore, the rejection is maintained.

Applicant argues, (3) "the combined teachings of references, Guilford et al. US 2002/0087674 A1, Jul 4, 2002 (Guilford) and Jensen et. al. 6,185,612 (Hereafter Jensen) do not disclose, teach, or suggest the applicant's claimed invention, i.e., "the claimed invention enables

a tradeoff between factors. Even if one factor is not ideal for a network, that network may still be selected if other factors are acceptable based on their importance. If a plurality of factors for a network are acceptable but the most important factor is not, that network will not be selected. When reporting a theft of a monitored asset, cost is not an important factor but speed and reliability are. For regular reporting of a monitored asset location, cost would be important but other factors less so". The examiner respectfully disagrees in response to applicant's arguments. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies, "the claimed invention enables a tradeoff between factors. Even if one factor is not ideal for a network, that network may still be selected if other factors are acceptable based on their importance. If a plurality of factors for a network are acceptable but the most important factor is not, that network will not be selected. When reporting a theft of a monitored asset, cost is not an important factor but speed and reliability are. For regular reporting of a monitored asset location, cost would be important but other factors less so", are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). What is claimed is "determining availability of wireless networks supported by an asset monitoring device, performing a weighted score analysis of the available wireless networks as a function of network attributes and data segment attribute weights; and selecting one of the available wireless networks to transmit a data segment based on the weighted score analysis". Guilford discloses "determining availability (e.g., network selection, paragraph 20, col., 2, paragraph 48, col., 4) of wireless networks (e.g., 2G, 3G etc networks, col., 2, paragraph 20), supported by an asset (e.g.,

software and/or hardware, paragraph 49, col., 4) monitoring device (e.g., device used for monitoring, col., 8, paragraph 86, col., 14, lines 50 – 57); assign a weight (e.g., assignment of the network 2G, 3G etc, based on speed, cost and efficiency of the transmission, col., 2, paragraph 20, abstract) of the available wireless networks (e.g., assignment of the network 2G, 3G etc, based on speed, cost and efficiency of the transmission, col., 2, paragraph 20, abstract) as a function of network attributes and data segment attribute weights (e.g., assignment of the network 2G, 3G etc, based on speed, cost and efficiency of the transmission, col., 2, paragraph 20, abstract); and selecting one of the available wireless networks (e.g., paragraph 48, col., 4) to transmit a data segment (e.g., paragraph 63, col., 6, abstract)". Jensen discloses concept of performing weight score analysis (e.g., col., 7, lines 7 – 22, col., 2, lines 39 – 63). The well-known concept of using weight analysis utilizing weights and attributes information would help select which network to use based on network performance parameters, for example, speed, cost, efficiency of the network. Also, page 14, lines 15 –19 of the specification clearly states, "The embodiments described herein are not intended to be exhaustive or limiting. The present invention is limited only by the following claims". Since, applicant's claims contain broadly claimed subject matter, it clearly reads upon the examiner's interpretation of these actions. Therefore, the rejection is maintained.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 2, 3, 6, 8, 14-16, 18, 23, 24, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 3, recite the limitations, "the selecting". There is insufficient antecedent basis for this limitation in the claim.

Claims 6, 14, 23, recite the limitations, "the network attributes". There is insufficient antecedent basis for this limitation in the claim.

Claims 7, 8, 15, 16, 24, recite the limitations, "the data segment". There is insufficient antecedent basis for this limitation in the claim.

Claim 18, recites the limitations, "the wireless networks". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-3, 6-11, 14-20, 23, 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Guilford et al. US 2002/0087674 A1, Jul 4, 2002 (Guilford) in view of Jensen et. al. 6,185,612 (Hereafter Jensen) and Sainton et al., US Patent RE38,787 E, MRL, LLC (Hereinafter Sainton-MLR).

6. As per claims 1, 9, 17, 18, Guilford teaches a remote asset monitoring device, method, machine-readable medium, comprising:

a remote asset monitoring engine (e.g., paragraph 20) capable to generate remote asset monitoring data segments (e.g., paragraph 7) to transmit over a wireless network (e.g., paragraph 10),

a network attributes capable to store attributes of wireless networks supported by the device (e.g., paragraph 46);

a data segment attribute weights capable to store attribute weights for data segment types generated by the remote asset monitoring engine (e.g., paragraph 79);

a network selection engine communicatively coupled to the remote asset monitoring engine (e.g., paragraph 18), the network attributes, and the data segment attribute weights, capable to:

determine availability of the wireless networks supported by the device (e.g. paragraph 86);

determine which of the available wireless networks have sufficient bandwidth to transmit a data segment (e.g., paragraph 10);

perform a weight (e.g., assignment of the network based on speed, cost and efficiency of the transmission, abstract) of the available wireless networks having sufficient bandwidth (e.g., paragraph 10) as a function of network attributes from attributes in the network attributes (e.g., paragraph 7) and data segment attribute weights for a generated data segment type using weights stored in the data segment attribute weights (e.g., paragraph 21); and

select a wireless network to transmit the data segment based on the weight (e.g., title, abstract).

However, Guilford does not specifically mention about using files for weights and attributes and weight score analysis.

Jensen teaches use of files for weights and attributes (e.g., col., 8, lines 19 – 28) and weight score analysis (e.g., col., 2, lines 39 – 63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Guilford with the teachings of Jensen in order to facilitate files containing weights and attribute information because the well-known concept of keeping the weights and attributes information in a file would help select a network that can be used for communication. The well-known concept of using weight analysis utilizing weights and attributes information would help select which network to use based on network performance parameters, for example, speed, cost, efficiency of the network. The motivation would be obvious because the weights information from the files would help provide a selection of the network to use.

However, Guilford and Jensen do not specifically mention about weights indicate importance of network attributes in selecting a wireless network.

Sainton-MLR discloses the well-known concept of weights indicate importance of network attributes in selecting a wireless network (e.g., paragraphs 58 – 68, 44, 12, 13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Guilford and Jensen with the teachings of Sainton-MLR in order to facilitate weights indicate importance of network attributes in selecting a wireless

network because the attributes would enhance selecting the wireless network that can be used for communication. The selected wireless network would help communicate information among devices.

7. As per claims 2, 10, 19, Guilford, Jensen and Sainton-MLR teach the claimed limitations as rejected above. Guilford also teaches the following:

a wireless network having a highest weighted score (e.g., maximum speed, abstract).

8. As per claims 3, 11, 20, Guilford, Jensen and Sainton-MLR teach the claimed limitations as rejected above. Guilford also teaches the following:

a wireless network having a lowest weighted score (e.g., minimum data rate, paragraph 28).

9. As per claims 6, 14, 23, Guilford, Jensen and Sainton-MLR teach the claimed limitations as rejected above. Guilford also teaches the following:

the network attributes include cost, speed, reliability, security, and latency (e.g., abstract, paragraph 60).

10. As per claims 7, 15, 24, Guilford, Jensen and Sainton-MLR teach the claimed limitations as rejected above. Guilford also teaches the following:

transmitting the data segment over a selected wireless network (e.g., title, abstract).

11. As per claims 8, 16, Guilford, Jensen and Sainton-MLR teach the claimed limitations as rejected above. Guilford also teaches the following:

the available wireless networks have been predetermined to have sufficient bandwidth to transmit the data segment (e.g., paragraph 10).

12. Claims 4, 12, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guilford in view of Jensen and Sainton-MLR in further view of Agee et al. US 2004/0095907A1, May 20, 2004 (Hereinafter Agee).

13. As per claims 4, 12, 21, Guilford, Jensen and Sainton-MLR do not specifically teach use of a linear weighted score algorithm.

However, Agee teaches use of a linear weighted score algorithm (e.g., selection of linear links, paragraph 7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Guilford, Jensen and Sainton-MLR with the teachings of Agee in order to facilitate selection of a wireless network based on linear weights with the network attributes because the well-known concept of using linear weights to determine which network to use would help select a network that can be used for communication. The motivation would be obvious because the linear weighted information would help provide a selection of the network to use.

14. Claims 5, 13, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guilford in view of Jensen and Sainton-MLR in further view of "Official Notice".

15. As per claims 5, 13, 22, Guilford, Jensen and Sainton-MLR teach the claimed limitations rejected under claims 1, 9 and 17. However, Guilford, Jensen and Sainton-MLR do not specifically mention about using a non-linear weighted score algorithm.

"Official Notice" is taken that both the concept and advantages of providing a non-linear weighted score algorithm is well known and expected in the art. For example, Kilfoyle, US 2002/0093926 discloses use of non-linear weighted score algorithm (e.g., paragraph 6, col., 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include use of a non-linear weighted score analysis with the teachings of Guilford, Jensen and Sainton-MLR in order to facilitate usage of non-linear weighted score algorithm because the algorithm would help select a wireless network based on non linear parameters. The well-known concept of using non-linear weighted score algorithm, for example, teachings of Kilfoyle, US 2002/0093926, paragraph 6, col., 1, would help determine which network to use for communication.

Conclusion

16. The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

September 12, 2005

JOHN FOLLANSBEE
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